| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/973,773 | 10/11/2001 | Hwa Young Yun | 0630-1330P | 7561 |

| 2292 | 7590 | 11/17/2005 | EXAMINER |
|---|---|---|---|

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2614 | |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/973,773 | YUN, HWA YOUNG |
| | Examiner | Art Unit | |
| | Chris Parry | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 October 2001*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All  b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Specification*

1.      The disclosure is objected to because of the following informalities: On page 8,

line 3, **"broadacasting"** should be --**broadcasting**--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.      Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement.  The claim(s) contains subject matter, which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The first part of the claim requires a search for an identical broadcasting program from

the multiplex broadcasting media. The second part of the claim requires displaying a

message to viewers when the identical broadcast program is not searched from the

multiplex broadcasting media. However, it is the examiner's assumption that the claim is

directed towards displaying a message to the viewer when after searching the multiplex

broadcasting media, it is determined that the identical broadcast program does not

exist.

## *Claim Rejections - 35 USC § 102*

4.        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.        Claims 1-4, 6-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by Goldschmidt Iki et al. "Goldschmidt" (U.S. 6,594,825).

Regarding Claim 1, Goldschmidt teaches, "receiving an identical broadcasting

program" by disclosing in figure 1, system controller 104 of system 100 receives

programming input from cable 124, satellite 126, and broadcast 134 (Col. 4, lines 38-

44). Goldschmidt teaches "searching and outputting a broadcasting program identical to

a multiplex broadcasting program from multiplex broadcasting media on the basis of a

source ID of the broadcasting program received from broadcasting media" by disclosing

in figure 3, the process of receiving a program selection, identifying alternative versions

(i.e., higher quality and picture) by searching EPG 212 for additional entries having the

same identifier or "source ID", providing the user with alternative versions selections,

receiving an alternative selection and tuning to the selected version (Col. 6, line 22 –

Col. 7, line 18).

As for Claim 2, Goldschmidt teaches "wherein the identical broadcasting program

is outputted by searching a broadcasting program having the same source ID as the

source ID from the multiplex broadcasting media" by disclosing program selection
controller 208 searches through the data of EPG 212 for different versions of a program
by searching EPG 212 for additional entries having the same identifier or "source ID"
(Col. 6, lines 35-53)

As for Claim 3, Goldschmidt teaches "selecting whether the broadcasting media
would be converted by reporting the searched identical broadcasting program to a user"
by disclosing program selection controller 208 provides the user with the alternate
versions of the program. The results can be displayed in a separate box or window on
the display device or by overlaying the current video display with the options (Col. 6, line
67 – Col. 7, line 5).

As for Claim 4, Goldschmidt teaches "wherein the source ID is read from a
channel information database" by disclosing alternate versions of the program are found
by searching EPG 212 or "channel information database" for the program identifier or
"source ID" (Col. 6, lines 47-50).

As for Claim 6, Goldschmidt teaches "displaying related information to viewers if
the identical broadcasting program is searched from the multiplex broadcasting media"
by disclosing program selection controller 208 provides the user with the alternate
versions of the program. The results can be displayed in a separate box or window on
the display device or by overlaying the current video display with the options (Col. 6, line
67 – Col. 7, line 5).

As for Claim 7, Goldschmidt teaches "wherein the related information is information about the broadcasting media, that is, numbers of channels to which the identical broadcasting program is transmitted" by disclosing program selection controller 208 displays all the characteristics for each version to allow the user make an informed decision as the which version is preferred (Col. 7, lines 5-8). Goldschmidt further teaches any of the information stored in the EPG can be uses as a basis for distinguishing between different versions of a program (Col. 8, lines 48-52).

As for Claim 8, Goldschmidt teaches "wherein the identical broadcasting program searches broadcasting signals in case the broadcasting signals are poor or the broadcasting signals have high sound quality or picture quality" by disclosing characteristics 414 can be used in determining which of multiple versions of a program is to be displayed to a user. Examples of characteristics include type of audio support and screen format (Col. 8, lines 25-52).

Regarding Claim 9, Goldschmidt teaches "receiving an identical broadcasting program" by disclosing in figure 1, system controller 104 of system 100 receives programming input from cable 124, satellite 126, and broadcast 134 (Col. 4, lines 38-44). Goldschmidt teaches "reading a source ID of a broadcasting program transmitted from broadcasting media" by disclosing different versions of a program are identified by searching entries having the same identifier or "source ID" (Col. 6, lines 47-50). Goldschmidt teaches "searching whether the broadcasting program having an identical source ID as the source ID is on the air from multiplex media" by disclosing different versions of a program are identified by searching entries having the same identifier or

"source ID" and the alternate versions of a program may be from different sources or

"multiplex media" (Col. 6, lines 47-53). Goldschmidt teaches "selecting whether the

media would be converted or not by reporting the searching result to the user" by

disclosing the program selection controller 208 provides the user with the alternate

versions to allow the user to make a choice (Col. 6, line 66 – Col. 7, line 17).

As for Claim 10, Goldschmidt teaches "wherein the source ID is read from a

channel information database" by disclosing searching EPG 212 or "channel information

database" for additional entries having the same identifier or "source ID" (Col. 6, lines

47-50).

Regarding Claim 12, Goldschmidt teaches "an apparatus for receiving an

identical broadcasting program, in an apparatus for outputting an image signal or voice

signal by receiving broadcasting signal through multiplex broadcasting media" by

disclosing in figure 1, system controller 104 which receives broadcasting programming

from multiple inputs (i.e., cable, satellite, terrestrial) within system 100, which outputs

the signal to TV 102. Goldschmidt teaches "an identical broadcasting program

searching unit for searching a channel to which a same broadcasting program as a

program of a channel selected by a user" by disclosing EPG controller 206, which is

used to access EPG 212 to search for multiple versions of programs (Col. 5, lines 44-

63). Goldschmidt teaches "a channel selection unit for selecting a broadcasting signal

corresponding to the searched channel" by disclosing program selection controller 208

or "channel selection unit", selects which of the multiple versions is to be displayed to

the user after searching EPG 212 or "channel information database" (Col. 5, lines 55-63).

As for Claim 13, Goldschmidt teaches "wherein the identical broadcasting program searching unit searches a broadcasting program having a same source ID as a source ID of the broadcasting program from the multiplex broadcasting media" by disclosing program selection controller 208 searches through the data of EPG 212 for different versions of a program by searching EPG 212 for additional entries having the same identifier or "source ID" (Col. 6, lines 35-53). Goldschmidt further teaches program selection controller 208 or "channel selecting unit" accesses EPG 212 "channel information database" via EPG controller 206 or "identical broadcasting program searching unit" (Col. 5, lines 58-60).

As for Claim 14, Goldschmidt teaches "wherein the channel selection unit selects the broadcasting signal selected by the user" by disclosing program selection controller 208 or "channel selection unit" provides the user with alternate versions of the program, then waits for the user to make a selection and tunes to the selected version (Col. 7, lines 5-18).

As for Claim 15, Goldschmidt teaches "a channel information database for storing channel information corresponding to the multiplex broadcasting media" by disclosing EPG 212 or "channel information database" is used by program selection controller 208 via EPG controller 206 to search through the data for alternate versions of the currently displayed program (Col. 6, lines 38-53).

As for Claim 16, Goldschmidt teaches "wherein the identical broadcasting program searching unit searches the channels to receive broadcasting signals which are poor or broadcasting signals having high sound quality or picture quality" by disclosing program selection controller 208 utilizes user preferences 214 (preferred viewing options or characteristics) in selecting multiple versions of a program (Col. 5, line 64 – Col. 6, line 8). Program selection controller 208 via EPG controller 206 or "identical broadcasting program searching unit" searches EPG 212 for characteristics 414, which can be used in determining which of multiple versions of a program is to be displayed to a user. Examples of characteristics include type of audio support and screen format (Col. 8, lines 23-52). Goldschmidt teaches any information stored in the EPG can be used as a basis for distinguishing between different versions of a program, which would include the source identifier 402 or "channel number".

## Claim Rejections - 35 USC § 103

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.      Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt.

As for Claim 5, Goldschmidt teaches displaying a message to viewers when alternate versions of a program are identified (Col. 6, line 67 – Col. 7, line 5). However,

Goldschmidt fails to disclose displaying a related resultant message to viewers if an

identical broadcasting program is not found in the search of the multiplex broadcasting

media. The examiner gives Official Notice that it is notoriously well known in the art to

display informational messages to a user to provide notification of the unavailability of

alternate programming. Accordingly, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Goldschmidt in order to display a

related resultant message to viewers if the identical broadcasting program is found in

the search of the multiplex broadcasting media for the benefit of providing a user-

friendly message that notifies the viewer that the identical broadcast program was not

found.

As for Claim 11, Goldschmidt teaches "displaying information about the

broadcasting media and numbers of a channel to which the identical broadcasting

program is transmitted if the identical program is searched" by disclosing program

selection controller 208 displays all the characteristics for each version to allow the user

make an informed decision as the which version is preferred (Col. 7, lines 5-8).

Goldschmidt further teaches any of the information stored in the EPG can be used as a

basis for distinguishing between different versions of a program (Col. 8, lines 48-52).

Goldschmidt teaches "converting channel to a channel of a media using a channel

information database of the corresponding media when the viewer pushes the selection

button" by disclosing program selection controller 208 waits to receive a user selection

of one of the versions and system 200 then "tunes" to the appropriate source and/or

channel for the selected version (Col. 7, lines 12-15). However, Goldschmidt fails to

discloses reporting a searching result if an identical program does not exist after

searching the source ID. The examiner gives Official Notice that it is notoriously well

known in the art to report the search result to a viewer to provide notification of the

unavailability of the identical program. Accordingly, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Goldschmidt in

order to report a search result if an identical program did not exist after searching for the

source ID for the benefit of providing a user-friendly message that notifies the viewer

that the identical broadcast program was not found.

8.      Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goldschmidt in view of Schneidewend et al. "Schneidewend" (U.S. 6,182,287).

        Regarding Claim 17, Goldschmidt teaches "an apparatus for receiving an

identical broadcasting program" by disclosing in figure 1, system controller 104 of

system 100 receives programming input from cable 124, satellite 126, and broadcast

134 (Col. 4, lines 38-44). Goldschmidt teaches "a channel selection unit for selecting a

broadcasting signal of a channel to which an identical broadcasting program

corresponding to a broadcasting program selected by a user is transmitted from a

multiplex broadcasting media according to a control signal" by disclosing program

selection controller 208 or "channel selection unit", selects which of the multiple

versions is to be displayed to the user after searching EPG 212 or "channel information

database" (Col. 5, lines 55-63). Goldschmidt teaches "a channel information database

for storing channel information corresponding to the multiplex broadcasting media" by

disclosing EPG 212 or "channel information database" is used by program selection

controller 208 via EPG controller 206 to search through the data for alternate versions

of the currently displayed program (Col. 6, lines 38-53). Goldschmidt teaches "an

identical broadcasting program searching unit for searching channels to which an

identical broadcasting program corresponding to the program of the channel selected by

a user is transmitted from the multiplex broadcasting media by comparing the channel

selected by the user and the channel information stored in the channel information

database" by disclosing EPG controller 206 or "identical broadcasting program

searching unit", which is used to access EPG 212 to search for multiple versions of

programs (Col. 5, lines 44-63). Goldschmidt further teaches program selection controller

208 accesses EPG 212 via EPG controller 206 (Col. 5, lines 58-60). Further, program

selection controller searches through the data in EPG 212 via EPG controller 206 to

identify different versions of program by searching EPG 212 for additional entries having

the same identifier or "source ID" (Col. 6, lines 35-53). Goldschmidt teaches "a

microcomputer for outputting the control signal for converting the channel selected by

the user into the searched channel" by disclosing device controller 204 or

"microcomputer" is used to control the various components within the entertainment

system and controls commands to change the various parameters of the components

(Col. 5, lines 38-43). However, Goldschmidt fails to disclose a demultiplexer for

separating image and voice signals in the selected broadcasting signal and a decoding

unit for decoding and outputting the separated image and voice signals. In a related art

pertaining to video distribution, Schneidewend discloses a video decoder capable of

receiving multiple broadcast streams, comprising a demultiplexer 22, which is used to

separate video and audio packets and to provide the packets to decoder 25, which is

used to output the separated video and audio as shown in figure 2 (Col. 4, lines 20-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Goldschmidt with the teachings of Schneidewend in order

to comprise a demultiplexer and decoder for the benefit of providing a separated video

and audio signal to a display device (e.g., TV or computer).

As for Claim 18, Goldschmidt teaches "wherein the channel selection unit selects

the broadcasting program corresponding to the channel selected by the user" by

disclosing program selection controller is used to select which of the multiple versions is

to be displayed to the user (Col. 5, lines 60-61).

As for Claim 19, Goldschmidt teaches "wherein the identical broadcasting

program searching unit searches the identical broadcasting program from the multiplex

broadcasting media" by disclosing program selection controller 208 searches EPG 212

via EPG controller 206 for different versions of a program having the same identifier

(Col. 6, lines 35-53). However, Goldschmidt fails to teach performing the search if a

channel conversion signal is outputted from a remote controller or another input unit is

received. The examiner gives Official Notice that it is notoriously well known in the art to

provide a user with a remote control that comprises a button that will provide a signal to

the receiver to perform an assigned operation, like performing a search of an EPG to

find identical programming. Accordingly, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Goldschmidt in order to

include a remote control or input device that would facilitate initiation of searching the

EPG for identical programming for the benefit of providing the user with the ability to use

a user-friendly device to indicate the desire for alternate versions of programming.

As for Claim 20, Goldschmidt teaches "wherein the identical broadcasting

program searching unit searches the identical broadcasting program to receive

broadcasting signals which are poor or broadcasting signals having high sound quality

or picture quality" by disclosing program selection controller 208 utilizes user

preferences 214 (preferred viewing options or characteristics) in selecting multiple

versions of a program (Col. 5, line 64 – Col. 6, line 8). Program selection controller 208

via EPG controller 206 or "identical broadcasting program searching unit" searches

EPG 212 by searching for entries with the same identifier (e.g., movie title or sitcom

name). Further, program selection controller 208 via EPG controller 206 or "identical

broadcasting program searching unit" can search EPG 212 for characteristics 414,

which can be used in determining which of multiple versions of a program is to be

displayed to a user. Examples of characteristics 414 can include the type of audio

support and screen format (Col. 8, lines 23-52). Goldschmidt teaches any information

stored in the EPG can be used as a basis for distinguishing between different versions

of a program, which would include the program description 412 or "broadcast program".

As for Claim 21, Goldschmidt teaches "wherein the identical broadcasting

program searching unit searches a broadcasting program having a same source ID as a

source ID from the multiplex broadcasting media" by disclosing program selection

controller 208 searches through the data of EPG 212 for different versions of a program

by searching EPG 212 for additional entries having the same identifier or "source ID"

(Col. 6, lines 35-53). Goldschmidt further teaches program selection controller 208 or "channel selecting unit" accesses EPG 212 "channel information database" via EPG controller 206 or "identical broadcasting program searching unit" (Col. 5, lines 58-60). Goldschmidt further teaches alternate versions of a program may be from different sources.

### *Conclusion*

9.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to receivers that are capable of receiving multiple broadcasting signals and switching between the signals to select a program.

U.S. Pat. No. 5,808,694 to Usui et al.

U.S. Pat. No. 5,883,677 to Hofmann

U.S. Pat. No. 6,317,168 to Seo

U.S. Pat. No. 5,864,358 to Suzuki et al.

U.S. Pat. No. 5,673,089 to Yuen et al.

U.S. Pat. No. 6,529,680 to Broberg

U.S. Pat. No. 6,772,434 to Godwin

U.S. Pat. No. 5,923,362 to Klosterman

U.S. Pat. No. 5,959,688 to Schein et al.

U.S. Pub. No. 2002/0108110 to Wugofski

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chris Parry whose telephone number is (571) 272-8328.

The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials: CLP

November 1, 2005

Patent Examiner
Art Unit 2614